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7/Reconsideration
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OFFICIAL 6173/07US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sinikka Sarkkinen et al.

Application No.: 10/076,617

Filing Date: February 19, 2002

Art Unit: 2684

Examiner: Gesesse, T.

Title: ADAPTIVE POWER CONTROL FOR MULTICAST DATA
TRANSMISSION**RESPONSE TO OFFICE ACTION**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

February 20, 2004

Sir:

Applicants hereby submit the following remarks in response to the Office Action dated November 21, 2003. The Office Action rejected claims 1-3, 6-16 and 19-29 as being anticipated under 35 U.S.C. 102(e). Applicants gratefully acknowledge the indication that claims 4, 5, 17 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

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Specification

The Office Action states that the title is not descriptive and requests a new title that is clearly indicative of the invention to which the claims are directed. The title of this application is "Adaptive Power Control for Multicast Transmission." Keeping in mind that the invention is defined solely by the claims, this title nevertheless appears to be indicative of the invention and to be clear (not confusing). Although the term "adaptive" does not appear in the claims and the invention is thus not limited to adaptive power control methods, applicants respectfully submit that they should not need to provide a new title.

Anticipation Rejection

The grounds for the anticipation rejection of claims 1-3, 6-16 and 19-29 is set forth in part 3 on pages 2-4 of the Office Action. Specifically, the rejection asserts that the claims are anticipated by the second preferred embodiment illustrated in Fig. 2 and described at paragraphs 0046 to 0060 of U.S. Patent Application Publication No. 2001/0046877 to Ohkubo et al (for convenience this embodiment is hereafter referred to simply as "Ohkubo"). Applicants respectfully traverse the anticipation rejection at least because it fails to establish a *prima facie* case that Ohkubo contains each and every one of the combination of limitations recited in the rejected claims.

For example, independent claims 1, 15 and 23 each recite the features related to measuring the power level of a signal received by user equipment and comparing the power level measured by the user equipment to power level information indicated by power level information provided in a transmitted channel received by a user equipment. These features advantageously

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permit beneficial power level measurement information to be included in a transmitted message. Although Ohkubo addresses the problem of power level control for a multicast signal in a wireless system, it does not include both of the features related to measuring the power level of a signal received by user equipment and comparing the power level measured by the user equipment to power level information indicated by power level information provided in a transmitted channel received by a user equipment.

Ohkubo utilizes C/I measurement unit 42, comparator 43, and reference value (Rref) 44. However, unlike the claims, the measurement unit 42 in Ohkubo does not measure the power level of a received signal. Instead, it measures the carrier-to-co-channel interference (C/I) ratio. Furthermore, the comparator 43 in Ohkubo compares the measured ratio value to a reference C/I ratio value rather than to power level information and there is no indication that reference value Rref is provided in a transmitted channel (see paragraph 0049 and 0053). Indeed, the patent application contrasts these features of Ohkubo with the first embodiment described in the patent application (see paragraphs 0048 and 0049), which is mutually exclusive of Ohkubo in some respects. Consequently, Ohkubo does not include or suggest the feature of measuring the power level of a signal received by user equipment.

Ohkubo also does not include or suggest the feature of comparing the power level measured by the user equipment to power level information indicated by power level information provided in a transmitted channel received by a user equipment as recited in the independent claims. As explained above, the reference value Rref is neither power information nor provided in a transmitted channel.

Claims 2, 3, and 6-14 each depends from independent claim 1 and therefore also contain

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the limitations of independent claim 1. Claims 16 and 19-22 each depends from independent claim 15 and therefore also contain the limitations of independent claim 15. Claims 24-29 each depends from independent claim 23 and therefore also contain the limitations of independent claim 23. As such, each of claims 1-3, 6-16, and 19-29 are allowable for at least the reasons set forth above as well as because of the additional features recited therein. For example, claims 14 and 26 recite location tracking and the rejection fails to establish a *prima facie* case that these features are inherent in Ohkubo.

Reconsideration and withdrawal of the rejection is respectfully requested in view of the foregoing remarks. It is submitted that all of the rejected claims are allowable over Ohkubo for at least the reasons set forth above. It is respectfully requested that a Notice of Allowance be promptly mailed.

The Commissioner is hereby authorized to charge any fees necessary for the consideration of this Response, or to credit any overpayment, to the undersigned attorney's Deposit Account No. 02-4270 (Dkt. No. 6173-07US).

Respectfully Submitted,



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